

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, ET AL.,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. AND  
COXCOM, LLC.

Defendants.

**Case No. 1:18-cv-00950-LO-JFA**

**DECLARATION OF THOMAS M.  
BUCHANAN IN SUPPORT OF  
COX'S MOTION TO EXCLUDE  
THE TESTIMONY OF PUTATIVE  
EXPERT DR. TERRENCE P.  
MCGARTY**

I, Thomas M. Buchanan, hereby declare:

1. I am a partner at the law firm Winston & Strawn LLP, counsel to Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") and represent Cox in the above-captioned matter. I submit this Declaration in support of Cox's Motion to Exclude the Testimony of Putative Expert Dr. Terrence P. McGarty. I have personal knowledge of all facts stated in this declaration and if called upon as a witness, I could and would competently testify thereto.

2. Attached as **Exhibit A** is a true and correct copy of the Expert Report of Dr. Terrence P. McGarty, dated April 10, 2019.

3. Attached as **Exhibit B** is a true and correct copy of the Expert Supplemental and Reply Report of Dr. Terrence P. McGarty, dated June 13, 2019.

4. Attached as **Exhibit C** is a true and correct copy of excerpts of the transcript of the videotaped deposition of Terrence P. McGarty, Ph.D., dated July 2, 2019.

5. Attached as **Exhibit D** is a true and correct copy of the Rebuttal Expert Report of Lynne J. Weber, Ph.D., dated May 15, 2019.

6. Attached as **Exhibit E** is a true and correct copy of the Rebuttal Expert Report of Kevin C. Almeroth, Ph.D., dated May 15, 2019.

7. Attached as **Exhibit F** is a true and correct copy of excerpts of the transcript of a hearing on motions in *BMG Rights Management (US) LLC, et al. v. Cox Communications, Inc., et al.*, 1:14-cv-01611-LO-FJA, dated November 20, 2015.

8. Attached as **Exhibit G** is a true and correct copy of Plaintiffs' Responses to Defendants' Second Set of Requests for Admission, dated July 1, 2019.

9. Attached as **Exhibit H** is a true and correct copy of the Report of George P. McCabe, Ph.D., dated April 10, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of August, 2019 in Washington D.C.

/s/ Thomas M. Buchanan  
Thomas M. Buchanan (VSB No. 21530)